

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB500

Hearing Date: Monday March 09, 2009
Committee On: General Affairs
Introducer: Karpisek
One Liner: Authorize certain cities and villages to use funds for the general care of cemeteries

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Coash, Cook, Dierks, Dubas, Friend, Karpisek, Price, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Russ Karpisek
Gary Krumland
Jim Litchfield

Representing:

Introducer
League of Nebraska Municipalities
Administrator, City of Wakefield

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 500 makes changes regarding perpetual funds in municipal cemeteries. The bill makes it clear that the mayor and city council or the board of trustees may set aside the proceeds of the sale of lots, donations, and bequests as a perpetual fund. It provides that the income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery or as the donor designates.

LB 500 provides that the principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than twenty percent of the principal is so used in any fiscal year and no more than forty percent of the principal is so used in any period of ten consecutive fiscal years.

Details

Page 2, Line 20 "Page 3, Line 4 Strikes "(2) If the mayor and council or the board of trustees sets aside the proceeds from the sale of lots as a perpetual fund, the principal of the fund that is attributable to such proceeds, or attributable to any money which has come to the fund by donation, bequest, or otherwise that does not prohibit such use, may be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than twenty-five percent of such principal is so used in any fiscal year and no more than thirty-five percent of such principal is so used in any period of ten consecutive fiscal years." And Inserts "(2) The mayor and council or the board of trustees may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance,

improvement, beautifying, and welfare of the cemetery as long as no more than twenty percent of the principal is so used in any fiscal year and no more than forty percent of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than twenty-five percent of the principal is so used in any fiscal year and no more than thirty-five percent of the principal is so used in any period of ten consecutive fiscal years. (3) The mayor and council or the board of trustees may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than twenty percent of the principal is so used in any fiscal year and no more than forty percent of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate as long as no more than twenty-five percent of the principal is so used in any fiscal year and no more than thirty-five percent of the principal is so used in any period of ten consecutive fiscal years."

Page 4, Line 12 Strikes "(3)" and Inserts "(4)"

Page 5, Line 2 Strikes "shall" and Inserts "may"

Page 5, Lines 3-10 Strikes "care, ornamentation, or maintenance of such lots or the cemetery in general." And Inserts "general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than twenty percent of the principal is so used in any fiscal year and no more than forty percent of the principal is so used in any period of ten consecutive fiscal years."

Page 5, Line 11 Inserts "also"

Page 5, Lines 17-18 Strikes "to be held in trust in perpetuity" and Inserts "for credit to the perpetual fund"

Page 5, Line 19 Inserts "as"

Page 5 Line 19 Strikes "shall" and Inserts "may"

Page 5, Lines 20-22 Strikes "care, ornamentation, and maintenance of such property" and Inserts "general care, management, maintenance, improvement, beautifying, and welfare of the cemetery"

Page 5 Line 22-Page 6, Line 3 Inserts "The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than twenty percent of the principal is so used in any fiscal year and no more than forty percent of the principal is so used in any period of ten consecutive fiscal years."

Page 6, Line 3 Inserts "also"

Page 6, Line 23 Strikes "said" and Inserts "the"

Page 6, Line 24 Strikes "as aforesaid,"

Page 6, Line 25 Inserts "or any perpetual fund"

Russ Karpisek, Chairperson